

Remarks/Argument:**Description of Amendments to the Claims.**

Claim 1, 12, and 18 have been amended to include limitations to the disposition of the device, construction and use of the method in which the blood/treated blood flowing through the chamber is irradiated through the first and second surface at the same time. Support for this amendment is found at [0033] of the published application. Accordingly, no new matter is introduced.

Rejections based on the ‘445 Patent to Weber.

The Examiner has rejected claims 1-9 and 11 as anticipated by the Weber reference and has rejected claim 10 as obvious over it. These rejections are respectfully traversed for the following reasons.

The present claims include limitations to construction and use in which irradiation occurs through both sides of the chamber through which liquid (blood in the instant case) flows. This is not seen in the ‘445 patent and indeed is something which is not desirable in that context. Weber very clearly notes that actinic light is directed through only one surface of his device. Col. 2, lines 16-28 and 35-38. The reason for this is clear as well; since his device is directed entirely to rapid aging of alcoholic beverages, “the large amount of sediment and other materials found” settle as gravity would dictate so one would only want to irradiate through one side. Col. 2, line 44. Thus, not only is the Weber reference non-analogous art, it directly teaches away from the instant invention. Perhaps that is why the Examiner did not cite it in 4,737,140. In any event, the claims are neither anticipated nor obvious over this reference and these rejections are traversed.

Rejection based on ‘140 to Lee.

The Examiner has rejected claims 1-21 as anticipated by Lee. This rejection is respectfully traversed for the following reasons.

Lee does not describe, show, or suggest a disposition of components that can be construed as arranged for gravity assistance of the flow of fluids through the chamber.

Note, for example, the disposition of 501 and 502 in Fig. 2 of Lee and see Col. 6, line 22. In the instant application, there are claim elements positively drawn to a disposition of components and their use such that gravity is assist fluids through the chamber. The claim elements that require such a disposition in the instant application are not merely statements of intended use. They are limitations to the way in which the device is configured and operated. See, [0013] of the published application.

The Lee reference is also directed to a device in which the chamber path is defined by male and female sections of the plate surfaces (with very different molding requirements for each plate/surface). Col. 10, line 43. The chamber of the device of the instant invention is formed from only from raised partitions on each plate. In addition to other benefits not seen in the Lee reference, this reduces flash and enhances irradiation. [0031] of the published application. None of the elements or limitations described are found or suggested in the Lee reference. Accordingly, it neither anticipates nor renders obvious the instantly claimed invention and this basis of rejection is thus traversed.

Having overcome each basis of rejection, timely notice of allowance is respectfully solicited.

Respectfully submitted,

/Todd Volyn/

Todd F. Volyn

Reg. No. 37,463

Johnson & Johnson.
One Johnson & Johnson Plaza
New Brunswick, NJ 08933
Telephone: 732-524-6202
Dated: August 9, 2007